

Brevard County Board of County Commissioners

*2725 Judge Fran Jamieson Way
Viera, FL 32940*



Minutes

Tuesday, April 23, 2024

9:00 AM

Regular

Commission Chambers

Present: Commissioner District 1 Rita Pritchett, Commissioner District 2 Tom Goodson, Commissioner District 3 John Tobia, Commissioner District 4 Rob Feltner, and Commissioner District 5 Jason Steele

A. CALL TO ORDER 9:03 AM

C. PLEDGE OF ALLEGIANCE

Chair Steele led the assembly in the Pledge of Allegiance.

D. MINUTES FOR APPROVAL

The Board approved the February 20, 2024, Regular Meeting Minutes.

Result: Adopted

Mover: Tom Goodson

Second: Rita Pritchett

Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

E.1. Resolution, Re: Honoring the Retirement of Brian Lock

Commissioner Tobia read aloud, and the Board adopted Resolution No. 24-026, recognizing the retirement of Brian Lock, for his loyalty and service to Brevard County.

Result: Adopted

Mover: John Tobia

Second: Rob Feltner

Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

Commissioner Tobia advised Mr. Lock has the hardest job with the County when it comes to Code Enforcement; and he doubts he received many kind telephone calls.

Brian Lock stated it is challenging for sure, but with a lot of very dedicated co-workers, especially Tad Calkins, Planning and Development Director, they are hopefully able to get most things resolved without major ado; some things do end up being more difficult and challenging; but they always try to do the best they can to get things resolved the way they should be.

Commissioner Tobia expressed his appreciation to Mr. Lock for his service; and he asked what is on the horizon for him.

Mr. Lock replied a lot of things, actually; he wants to do some traveling, he wants to do additional work with his church, fishing, and hunting; he loves the outdoors, so he wants to do some of that; he wants to just enjoy life; he loves to help people; and whatever he does, that is what he wants to do, to help people.

Commissioner Tobia pointed out the County certainly needs someone with a servant's heart in Code Enforcement; and to have that good disposition is very important.

Mr. Lock asked the Chair if he could say a few scripted things.

Chair Steele stated absolutely.

Mr. Lock commented the most nervous guy in the room, besides himself, is Mr. Calkins, because he has the microphone; while he can share some stories about Mr. Calkins, most of them would be made up, as he is awesome; he expressed his appreciation to the Board as it is truly humbling and honoring; he stated as some people may know, his last retirement was not so much fun; and this is so much appreciated, and he thanks the Board from the bottom of his heart. He went on to say he wants to give credit to some people; he expressed his appreciation to the good Lord, because He has blessed him, his bride and best friend of 42 awesome years, Vicki, Frank Abbate, County Manager, John Denninghoff, Assistant County Manager, Jim Liesenfelt, Assistant County Manager, and all of those department heads who have helped and supported him; he expressed his appreciation again to Mr. Calkins for being the best boss he has ever had; he pointed out that Mr. Calkins is truly a man of integrity, leads by example, and he is exceedingly wise; and he has heard it said many times along the way that he is a wise guy. He stated Mr. Calkins is an awesome leader, and there is none better; he pours himself into developing solutions to very difficult situations, and he tries for a win/win every time; he expressed his appreciation to Billy Prasad, as he is a rock star; there are probably 75 employees in Planning and Development; he would say 74 of the 75 are rock stars; and he is not going to name the 75th one. He remarked the County has an awesome group, not just in Planning and Development, but across the board, so Brevard staff is in good hands; and he appreciates the support and trust that he has been bestowed with.

E.2. Resolution, Re: Proclaiming Child Abuse Prevention Month for the Month of April

Commissioner Pritchett read aloud, and the Board adopted Resolution No. 24-027, proclaiming April 2024 as Child Abuse Prevention Month.

Result: Adopted

Mover: Rita Pritchett

Second: Rob Feltner

Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

Jessica Miles, Brevard Children and Families, stated they appreciate the support declaring April as Child Abuse Prevention Month, which allows them to think about children in Brevard County, what they are going through, how people can help, and everyone can help prevent child abuse by just being aware; a person can cook a dinner for a family he or she thinks may have a need; captive is a big group of collaboration of Guardian Ad Litem (GAL) and different child abuse prevention agencies around Brevard County; and they are fighting tirelessly to eradicate child abuse in Brevard, which is really their goal.

E.3. Resolution, Re: Proclaiming May 2024 as Older Americans Month

Commissioner Pritchett read aloud, and the Board adopted Resolution No. 24-028, proclaiming May 2024 as Older Americans Month.

Result: Adopted

Mover: Rita Pritchett

Second: Rob Feltner

Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

John Potomski, Chairman of the Brevard County Commission on Aging (BCOA), stated they are here today to honor one of Brevard's outstanding citizens in recognition of Older Americans Month in May; currently, 25 percent of Brevard's population is over the age of 60; this is more than the population of those people under the age of 18; yet, people under the age of 18 rightfully receive greater County funding than the senior citizens; many of Brevard's seniors

have worked many years and paid taxes; however, most every month at the BCOA meeting, they hear from seniors who come literally crying to inform them they can either not pay for skyrocketing rent, the food pantries have run out of food, or they cannot afford their medication, and for some of them, it is all three. He continued by saying in the Bible, some of the Lord's disciples asked Him, "Lord, when did we feed you, when did we shelter you, when did we take care of you;" the Lord replied, "Whenever you did these things for the least of my Brethren, you did it for me;" he stated the needs of many less fortunate seniors have increased over the last several years; and they cannot make it on social security alone, especially when some receive only \$900 a month. He explained formally the County had allotted \$500,000 a year for Community Based Organization (CBO) funding, which has been eliminated; many groups, including Meals on Wheels, are facing a deficit and are having to reduce the number of people they serve due to rising costs and decreased funding; being a conservative should mean more than just financially; as George H. W. Bush once said, "I am a conservative, but a passionate conservative;" and he asked that the Commission might consider this in its funding deliberations. He commented today they are honoring a man who not only served the country as a Captain in the U.S. Navy, but upon retiring to Brevard County, he saw a need to serve its seniors; he first founded the Alzheimer's Association and developed three locations throughout the County, now known as Joe's Club, to serve seniors with dementia; after that he accomplished the realization that seniors who do not have dementia also have needs; he formed Helping Seniors of Brevard; and at the young age of 90, he still works to help meet the needs of Brevard County's seniors. He introduced Captain Joe Steckler to the Board.

Joe Steckler stated being tied in the wheelchair does not help a whole lot; he is working in therapy right now to try to get back to walking; he is going to do it; he participated in a United Way study in 1992, and they came up with 19 needs of people in Brevard County; nine of those needs directly affected seniors; they have been working to resolve those issues since 1992; and not a whole lot of progress has been made. He noted one of the biggest problems is making the people in charge aware of what can be done, and the need to have a good plan in place to solve the problems of the future; he will not give up on that until he dies; he expressed his appreciation to the Commissioners and all of the Commissioners before he or she who have helped them in Brevard County make people aware of the problems, and then to resolve the problems; he stated people like John Potomski and the Commission on Aging, Ian Golden, Housing and Human Services Director, County staff, and all of these people need to come together and work for a common good; and that is the only way the problem will ever be solved. He expressed his appreciation to everyone who has helped them; he explained he did not get any of this recognition by himself, it took a lot of people working with him, and for him, to make it happen; and he expressed his thanks to all people who have contributed in helping them make these things come together.

E.4. Resolution, Re: Acknowledging A Day of Prayer in Brevard County

Commissioner Feltner read aloud, and the Board adopted Resolution No. 24-029, recognizing May 2, 2024, as a Day of Prayer in Brevard County.

Result: Adopted

Mover: Rob Feltner

Second: Rita Pritchett

Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

Loretta Dozier expressed her appreciation to the Board and all of its years of leading Brevard County; she advised the Board has given the committee a National Day of Prayer proclamation since 2016, so it is to be applauded for that, that it is not ashamed to declare in Brevard County and let the people know it is a day of prayer; the theme this year for the National Day of Prayer

is 'Lift Up the Word and Light Up the World'; and to lift up Jesus, because he is the answer to every situation or problem. She went on to say she is the founding president of Dove Bible Club, which is an after-school club that shares the gospel, death, burial, and the resurrection of Jesus Christ with students in schools; they are in 43 schools, they get to share and have fun, and the students get to learn about Jesus; they get to pray for the Board; she is also the County Coordinator for the National Day of Prayer Task Force; their goal is to mobilize and unify public prayer for America and its leaders; and that is why they are here this morning, they wanted the Board to see and know it is being prayed for by so many people. She pointed out each Commissioner has his or her brochure from National Day of Prayer, he or she has a bracelet from Dove Bible Club, and a program of all of the prayer observances throughout Brevard County; she asked the people to introduce themselves; and she stated they are praying for this County.

E.5. Resolution, Re: Proclaiming May 2024 as Stroke Awareness Month

Commissioner Tobia read aloud, and the Board adopted Resolution No. 24-030, proclaiming May 2024 as Stroke Awareness Month.

Result: Adopted

Mover: John Tobia

Secunder: Rob Feltner

Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

Mike Seeley, President of Health First Foundation, advised he is present with Mary Jo Allen, Chief of Nursing Operations of Health First Foundation; she represents all of the nurses at Health First; he expressed his appreciation to Commissioner Tobia for reading that Resolution and the Commission at large for approving that Resolution; he stated he does not have pinwheels or bracelets, and he does not have Ms. Dozier; in a life-threatening situation, particularly with a stroke, a person will receive great care at one of its facilities; and it is their honor and privilege to serve this community.

E.6. Resolution, Re: Honoring the Life of Jerry Sansom

Commissioner Tobia read aloud, and the Board adopted Resolution No. 24-031, honoring the life of Jerry Sansom.

Result: Adopted

Mover: John Tobia

Secunder: Rob Feltner

Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

Dixie Sansom expressed her appreciation to the Board; she stated it is an honor to be recognized by Brevard County, as Jerry was recognized by some of the cities; and they have a lot of good friends here that have become family.

F.1. Acceptance, Re: Binding Development Plan with Florida Dealer Center, LLC (23Z00081)

The Board executed and accepted the Binding Development Plan (BDP) with Florida Dealer Center, LLC, for Parcel 1: Lot 1, Block 2, of the east one half of the southeast quarter of the northeast quarter of the northeast quarter of Section 35, Township 25 South, Range 35 East (less portion described in Quit Claim Deed 3010, Page 1251) lying in Brevard County, Florida; and for Parcel 2: the west half of the southwest quarter of the northeast quarter of the northeast quarter of the northeast quarter of Section 35, Township 23

South, Range 35 East, lying and being in Brevard County and the east half of the southeast quarter of the northwest quarter of the northeast quarter of the northeast quarter of Section 35, Township 23 South, Range 35 East, lying and being in Brevard County, Florida, including one-half of adjacent roads per ORB 1646, Page 130, less and except that parcel of land recorded in ORB 3823, Page 2541, Public Records of Brevard County, Florida.

Result: Approved

Mover: Rita Pritchett

Second: Tom Goodson

Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

F.2. Approval, Re: Dedication of Sidewalk Easements from The Viera Company as to Parcel 800 and KSS Melbourne, LLC as to Parcel 801 for the Village 2 Center Infrastructure Improvements Project

The Board approved and accepted Sidewalk Easements from The Viera Company as to Parcel 800, and KSS Melbourne, LLC, as to Parcel 801, for the Village 2 Center Infrastructure Improvements Project.

Result: Approved

Mover: Rita Pritchett

Second: Tom Goodson

Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

F.3. Approval, Re: Permission to Advertise a Proposed Exchange Agreement between Brevard County and A. Duda and Sons, Inc. (Duda)

The Board approved and authorized the advertisement of the exchange agreement between Brevard County and A. Duda and Sons, Inc.

Result: Approved

Mover: Rita Pritchett

Second: Tom Goodson

Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

F.4. Permission to Issue Invitation to Bid, Re: Port St. John Gravity Sewer Replacement

The Board approved granting Purchasing Services, on behalf of Utility Services Department, permission to competitively procure and award an Invitation to Bid for Port St. John Gravity Sewer Replacement; granted authority to the County Manager, with County Attorney's Office, Risk Management, and Purchasing Services approval, to execute all related contracts, task order, change orders, grant agreements, modifications, and amendments; and authorized the County Manager to approve any Budget Change Requests (BCR) as necessary.

Result: Approved

Mover: Rita Pritchett

Second: Tom Goodson

Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

F.5. Approval, Re: Housing and Human Services Purchase Assistance Program Policy for the State Housing Initiative Partnership (SHIP) Program

The Board approved and authorized the Chair to execute Housing and Human Services Department's Purchase Assistance Program Policy (HS 007) for the State Housing Initiative Partnership Program.

Result: Approved

Mover: Rita Pritchett

Second: Tom Goodson

Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

F.6. Approval, Re: Commemoration of the Friends of the Cemetery and Requested Interment at the Veteran Memorial Cemetery in Titusville

The Board approved the language and placement of a plaque, commemorating the Friends of the Cemetery, at the Veteran Memorial Cemetery in Titusville; and approved the interment of veteran Al Therriault upon his passing.

Result: Approved

Mover: Rita Pritchett

Second: Tom Goodson

Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

F.7. Approval, Re: License Agreement for access across Environmentally Endangered Lands Program Managed Lands at Grant Flatwoods Sanctuary

The Board approved a License Agreement that allows John and Anita Davis to access their property through the Environmentally Endangered Lands Program managed Grant Flatwoods Sanctuary, which is owned by the State of Florida.

Result: Approved

Mover: Rita Pritchett

Second: Tom Goodson

Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

F.8. Approval, Re: Trail Access Lease at Fox Lake Sanctuary

The Board approved the trail access lease with Modern, Inc. at Fox Lake Sanctuary.

Result: Approved

Mover: Rita Pritchett

Second: Tom Goodson

Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

F.9. Authorization, Re: Issuance of Limited General Obligation Bonds for Environmentally Endangered Lands Program 2024 Bond not Exceeding \$6,251,000

The Board authorized a negotiated sale of the Series 2024 Bond and awarded the Series 2024 bond pursuant to a competitive proposal received from Webster Bank, National Association; approved the Series 2024 Bond will be issued in the not-to-exceed aggregate principal amount of \$6,251,000 and will bear interest at an annual fixed interest rate of 4.5 percent, resulting in a true interest cost of 4.590917 percent; adopted and executed the Supplemental Resolution

No. 24-032; delegated authority to the Chair to determine the specific principal amount of the Series 2024 Bond documents; and authorized the County Manager to make the necessary Budget Change Requests (BCR) to recognize the bond proceeds from issuance of the Series 2024 Bond and establish the funds and account required by the Supplemental Resolution for the Environmentally Endangered Lands.

Result: Adopted

Mover: Rita Pritchett

Second: Tom Goodson

Ayes: Pritchett, Goodson, Feltner, and Steele

Nay: Tobia

F.10. Board Approval, Re: Legislative Intent and Permission to Advertise the Establishment of an Emergency Management Ordinance

The Board authorized staff to advertise the Statement of Legislative Intent; and directed staff to prepare an emergency management ordinance that ensures the County's ability to quickly respond to emergencies, codify necessary organizational flexibility, and streamline the process of receiving State and Federal Assistance.

Result: Approved

Mover: Rita Pritchett

Second: Tom Goodson

Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

F.11. Approval, Re: FY 2022-2023 Merritt Island Public Library Tax District Board Annual Financial Report

The Board acknowledged receipt of the Fiscal Year 2022-2023 Merritt Island Public Library Tax District Annual Financial Report.

Result: Approved

Mover: Rita Pritchett

Second: Tom Goodson

Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

F.12. Approval, Re: Approval of Order Form for SAP S/4HANA Cloud Services, Private Edition and Order Form for SAP S/4HANA Migration Project

The Board approved SAP Order Form No. 3062672147 for the SAF S/4HANA Cloud Services, private edition; approved SAF Order Form No. 305182982 for ECC to S/4 Conversion and Employee Central Cloud Implementation; authorized the County Manager to execute the Order Forms, any subsequent related Order Forms, Agreements, Task Orders, Change Orders, Modifications, and Amendments; and authorized the County Manager to establish the necessary budget to implement this required SAP upgrade and implementation.

Result: Approved

Mover: Rita Pritchett

Second: Tom Goodson

Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

F.13. Acknowledgement, Re: Bill Folder

The Board acknowledged receipt of the Bill Folder.

Result: Approved

Mover: Rita Pritchett

Second: Tom Goodson

Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

G.1. Public Hearing, Re: Ordinance Amending Chapter 74, Article VI, Section 74-102(b)(7), Pertaining to Sexual Offenders and Sexual Predators

Chair Steele called for a public hearing to consider an ordinance amending Chapter 74, Article VI, Section 74-102(b)(7), pertaining to Sexual Offenders and Sexual Predators.

Commissioner Tobia stated the Board approved legislative intent and permission to advertise at the March 12, 2024, Board meeting; this amendment adds clarification to the County's Code that an offender, predator who has committed an offense where the victim is a minor cannot work in a school, childcare facility, park, playground, or any place where children regulate and regularly congregate; the definition of minor is located in Florida Statute 775.21; and he expressed his appreciation to the County Attorney's Office for its diligent work on this important legislation.

There being no further comments or objections, the Board adopted Ordinance No. 24-07, amending Chapter 74 – Offenses and Miscellaneous Provision, Article VI. – Sexual Offender and Sexual Predators, Section 74-012. – Sexual Offenders and Sexual Predators, Brevard County Code of Ordinances; providing that the exception set forth in Section 74-102(b)(7) which allows a sexual offender or sexual predator to enter into or remain within the 1,000-foot buffer zone surrounding any school, daycare center, park, or playground to fulfill legally allowable duties imposed by gainful employment does not allow a sexual predator to enter into or remain within a 1,000-foot buffer zone in order to work, whether for compensation or as a volunteer, at any business, school, child care facility, park, playground, or other place where children regularly congregate in violation of Section 775.21(10)(b), Florida Statutes; providing for conflicts; providing for severability; providing for codification; and providing an effective date.

Result: Adopted

Mover: John Tobia

Second: Rita Pritchett

Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

G.2. Public Hearing, Re: Approval of Third Quarter Supplemental Budget for Fiscal Year 2023-2024

Chair Steele called for a public hearing to consider a resolution approving the Third Quarter Supplemental Budget for Fiscal Year 2023-2024.

Jill Hayes, Budget Office Director, stated the mid-year budget provides the opportunity to adjust the projected balance forward budgets that were developed before the close-out of Fiscal Year 2023; these adjustments are primarily associated with multi-year projects, as well as capital equipment purchases that have long lead times; the Agenda and supporting documentation summarize the total change, and also include the individual budget change requests; and staff is available to answer any questions the Board may have.

There being no further comments or objections, the Board adopted Resolution No. 24-033, approving a Supplemental Budget for the Third Quarter of Fiscal Year 2023-2024; and approved the budget changes and such actions as are necessary to implement the adopted changes.

Result: Adopted

Mover: Rita Pritchett

Second: John Tobia

Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

I.1. Board Discussion and Authorization, Re: Commence Negotiations with the City of Melbourne Regarding Properties Including, but Not Limited to, Parcel #27-36-24-00-509 and Parcel # 27-36-24-00-801

Commissioner Tobia advised the purpose of this Item is to find out if the Board agrees with this notion; if so, the Board can authorize the County Manager and the County Attorney to start researching potential options and begin conversations with the City of Melbourne regarding the two pieces of land located on Sarno Road; he has spoken on his behalf, not on the Board's behalf, with Mayor Paul Alfrey, City of Melbourne, who also spoke on his own behalf to gage his interest stated, not only was he open to this idea, he was potentially, extremely interested; this land swap could solve numerous issues facing both the County, as well as the City; to enumerate some of those, for the City it would provide even more space for the Providence Place Project; and he has been informed that there could potentially be a fire training facility for the City of Melbourne. He went on to say some mutual benefits, to serve as a potential location for the Renaissance Fair, as well as future fairs for the City of Melbourne; Melbourne can financially make up any difference in monetary value that would be placed in the Solid Waste trust, which would be a positive to Brevard County; options could include, but are not limited to, land swap, land sale, or long-term leases; to be clear, staff would have to come back to the Board with any potential options; the County would also, of course, need to go before the City of Melbourne to gage the interest there; and he is more than willing to work with the County Attorney's Office or the County Manager, if the Board prefers, but he does not mind staying out of it if the Board would like. He pointed out lastly, before anyone cites conspiracy theories, this would be a mutual agreement between two government entities; there is no private benefit here; and the item would have a net zero cost for either municipality; in other words, if there was a land swap and one parcel was worth more than the other parcel, that difference would be made up in a financial concession, again, going into Solid Waste Management; one other thing that is pretty glaring and certainly needs to be brought to light is the County's purchase of this land for more than \$7 million in 2001; and clearly, it is not worth that today. He noted County records show a market value somewhere in the neighborhood of \$580,000; he does not know how accurate that is; but it is certainly not worth the \$7 million; none of the Commissioners were on the Board or involved in government to the best of his knowledge at that time, so the current Board can look at that, and he or she can only speculate on the decisions made by those who came before; a good example is he made a wise decision in 2021 when given the opportunity to buy Rivian shares at the Initial Public Offering (IPO) price of \$78; and he just looked it up and they are worth \$8.79. He remarked thankfully, he only has 175 of them; but if someone is willing to offer him the \$78, he is more than willing to sell them; however, the market dictates today they are worth \$8.79, so it is just the decisions made in the past; he thinks this can be taken and made beneficial to everyone; and again, this is just giving authorization.

Peter Moolhuizen stated he heard about this around a week or so ago; he was very excited to hear about it; he spoke with the Mayor of Melbourne; he thinks it is a great move by both entities; with the loss of Wickham Park for large venues and large events, this will make a great

site; he hopes it goes forward; and he hopes the Board is able to put something together as it will be good for the whole community.

Sandra Sullivan stated, according to the Agenda Item, this property was actually purchased as a stormwater pond; she wants to point out this is 58 acres, counting the wetlands it is 68 acres; what the Board is talking about swapping is the little, tiny, green parcel that is three acres for 58, possibly 68 acres of land; and there is a cost to this, because looking at Google Earth to look at its use, it was used for the Eau Gallie muck dewatering for a number of years, which was filled in quite recently. She went on to say the issue with that is at the Save Our Indian River Lagoon meeting on Friday is they are going out to bid right now; it is going to cost the County to put a dewatering site on BV52 under the Florida Inland Water Navigational District; the swapped property is entirely on wetlands, the piece of three acres from Melbourne, so the County is getting an essentially worthless piece of property; she asked why the County would need to swap when it could just sell; how was this property purchased; was it purchased with a bond; and she noted as a dump designation, it is within the Board's Solid Waste Department, in which case it would need to be appraised and sold at fair market value. She advised she could send the Board the legal documents pertaining to that; it is very much a red flag to her that in 2021 when the County wanted to use the site to extend Sarno, the City of Melbourne would not raise the height on Florida Recyclers; but low and behold on tonight's meeting, related to the adjacent property, Florida Recyclers who sold this property to the County at a \$6 million profit, their property is getting a height being doubled from 40 to 80 feet; putting in a venue for a Renaissance Fair next door to a dump that had odors or smell in 2021 does not seem to add up; and apparently, this is only for a short-term thing as he prepares another location. She pointed out this could be used for fire training, affordable housing, or it could be resold to Florida Recyclers; this sounds like a shell game; and it stinks.

Commissioner Goodson commented he does not see the need to do this, to swap 50 acres for three; if the Board proceeds on this, he would like for staff to tell him how they are going to develop the three acres to have any economic value on Sarno Road; he asked why not a long-term lease or a yearly lease; he stated he thinks the County does not have the land and is running out of land; and he is sure it could be used as hurricane debris storage, or processing that. He remarked if the County is going to sell it or trade it, then he would definitely want to know the value of that, the value of their land, and what would be proposed; he asked if the County can even do this; and he inquired where the money came from originally to buy it.

Frank Abbate, County Manager, replied it was Solid Waste.

Commissioner Goodson stated correct, Solid Waste; and he asked where Solid Waste is, and if they are not at the table.

Mr. Abbate responded ultimately, Solid Waste would be the beneficiary financially of either a sale or exchange.

Commissioner Goodson asked if the County is going to give up 50 acres for somewhere around \$400,000, and is that the difference, \$150,000 against \$580,000; he stated he does not see it; and he personally will not vote and have staff waste their time.

Commissioner Feltner explained he thinks the idea here, and he spoke to Mayor Alfrey this weekend also, he had a very good conversation, and they are excited about a prospect of having a Melbourne fairgrounds; the landfill is coming to the end of its useful life, it will be capped, so the County will still have this parcel as Commissioner Tobia pointed out; none of the present Commissioners were here when this was purchased; he does not think this Board probably would have agreed to that purchase 20 years ago; but the County has this parcel that

has remained unused all of this time; and he thinks the best use for it now is for a large events venue in Brevard County. He went on by saying it is not something the Board necessarily wants to do; but the City of Melbourne wants to do it; by giving the City this parcel, they will be able to do that; and that is why he is going to support it today.

The Board authorized the County Manager and County Attorney to commence negotiations with the City of Melbourne regarding properties including, but not limited to, Parcel 27-36-24-00-509 and Parcel 27-36-24-00-801, and report back to the Board with any potential options.

Result: Approved

Mover: John Tobia

Second: Rob Feltner

Ayes: Pritchett, Tobia, Feltner, and Steele

Nay: Goodson

I.2. Citizen Request, Re: Appeal Wickham Park Usage Denial

Chair Steele stated before Mr. Moolhuizen gets up, he wants to read this to everyone in the audience so everyone can get a clear understanding of where the County is and what it is doing, because this is a very intricate situation; there has been a variety of things that have been legal situations that have happened, so to make it clear, he is going to say, "This Item is an appeal. It's different from our typical Agenda Item, so I'm going to take a moment to discuss the process. The Brevard Renaissance Fair requested a special event permit to be used in Wickham Park. The County denied the permit request. Brevard Renaissance Fair has exercised their right under County Code to appeal to the Board of County Commissioners that is what they are doing today. For this Item, the Board is sitting in an appellant capacity. That means we are here to determine if County staff and the County Manager correctly followed the Code when they denied the permit. We're not here to judge whether the Renaissance Fair is good or not good. Our job is to hear the appeal, decide whether staff made an error, and if so, decide how to correct that error. In a moment I'm going to ask Mary Ellen Donner to come up from Brevard County Parks and Recreation to introduce this Item. She will have up to 10 minutes to do so and respond to any questions the Board may have. After that, I will allow Peter Moolhuizen of Brevard Renaissance Fair the same amount of time to present his case and answer questions. We will then take public comment on the Item. Speakers will be limited to three minutes per person. Remember, this case is only whether Brevard County Code was correctly applied to the permit request. If you love the Renaissance Fair, that is wonderful, but it's not relevant to the issue of whether or not the Code has been applied properly. If you are opposed to the Renaissance Fair, that is fine, but once again, it's not particularly relevant to the issues of whether the Code has been followed. We cannot change the Code. Changing the Code will require an ordinance advertisement and an additional public hearing. We cannot waive the Code and allow the event to proceed if doing so would violate the Code. I ask speakers to keep these things in mind when making public comment today, and please limit your comments to the matters that are relevant to the appeal." He stated now that everyone understands the rules and regulations, he asked Mary Ellen Donner where she was.

Mary Ellen Donner, Parks and Recreation Director, stated this is regarding the appeal for the Wickham Park usage denial; the Brevard Renaissance Fair submitted a special event questionnaire requesting the park use, Wickham Park, for their 2025 event; included in it was the setup, the actual event, and the tear down; the requested use period runs from December 24, 2024, through March 7, 2025; and that is a period of 74 days. She went on to say she evaluated the request and determined that it does not meet the requirements of the Brevard County Code of Ordinances, Section 7882(b)(1), and that part of the Code states, "Beginning

January 2025, special event permits at Wickham Park shall be limited to a maximum of 15 consecutive days, or two consecutive weekends;” she noted excluding the portion of the requested use for December 2024, the request includes 65 consecutive days and seven consecutive weekends in the calendar year of 2025; the request exceeded the maximum allowed under the Code by 50 days or seven weekends; additionally, Section 7882(b)(1), provides beginning in January 2025, January, February, March, and April of each year shall have a minimum of one weekend free without special events at Wickham Park; if the requested permit was granted, the months of January and February 2025 would not have a minimum of the one weekend without a special event as required by Code; and therefore, the permit was denied. She commented the Brevard Renaissance Fair appealed the decision to the County Manager on March 21, 2024; the County Manager issued his decision upholding the permit denial; Brevard Renaissance Fair has exercised their right under County Code to appeal to the Board of County Commissioners; and she is available for any questions the Board may have.

Kevin Rutledge asked Ms. Donner what the legitimate government purpose is of this Ordinance.

Chair Steele advised he is not certain this is appropriate.

Morris Richardson, County Attorney, explained this is an appellant process; Mr. Moolhuizen will have 10 minutes to present his case; there is no cross-examination; this is not an evidentiary proceeding; and it is merely an appeal to determine if the Code was properly applied.

Mr. Rutledge stated yes, but the Board cannot apply a Code if it is not constitutional.

Attorney Richardson noted Mr. Moolhuizen can make that case; but he suggested the Chair take the speaker cards after hearing Mr. Moolhuizen’s case.

Peter Moolhuizen stated he was going to be real nice and friendly, but he knows where this is going, so he is going to be quite honest with the Board, Attorney Richardson knows this will end up in court; he said they would fight it all the way to the end, and he meant it; the Brevard Renaissance Fair has been there for 11 years; nine years they had a handshake agreement with the Park to provide the dates for the following year during their event, as long as they were in compliance with the Park; and they understood that to be a contractual issue. He went on by saying the Board can deny that it is, but they understood that it was; they followed those procedures, and along the way, the Board changed those rules last year in September; they found out in October; they have tried to move heaven and earth over the last several months to find a new location; Commissioner Feltner knows that, as he has had several meetings with him; he appreciates the work that has been done; and they brought employees in from all around the State to check out the parks. He stated they were recommended to use a park on SR 520; they spent two days out there measuring and laying everything out; it holds 160 cars, and there is not enough parking for their event; there is no other place in Brevard County; that is why he is happy to see Commissioner Tobia do what he is doing; they are looking at two sites right now; hopefully, the City of Melbourne’s site comes to fruition; but if not, they have 77 acres they have been working their tails off on by removing the pepper trees, and getting the property ready to have the Renaissance Fair. He stated Commissioner Feltner and other departments have offered to work with them to get that property approved if the Melbourne property does not fall into place; he asked for stability today in case one of these two places do not come into fruition by January that they have a fallback, and they can use Wickham Park for the one year; he stated that is all they are asking for; they do not want to be at Wickham Park, they have wanted their own land for several years; after meeting with Commissioner Feltner, the zoning people, and several others, they talked about the 77 acres, they can get that done; it is going to take a lot of work; and hopefully, there will be no obstacles along the way. He

reiterated if they are unable to get either one of those properties ready by January that they can fall back on, he does not think there is a business around that can shut down for two years and survive; all he is asking for is by October or November they will know if they are going to open up in January at the new location; if not, that they would be somehow provided a way to use Wickham Park; and two weeks does not work, as it takes them two weeks just to build their event, and two weeks to tear it back down. He pointed out the cost to try to do it in two weeks is just undoable; they have the two properties and he thinks one of them will come through; the 77 acres he has another use for if the City of Melbourne does their property, he owns a winery; the winery will fit nice on that 77 acres; and they have another use for it if it does not become a Renaissance site. He stated he wishes the County would have contacted them, he wishes they could have been at the table to talk about it, but they were not given that opportunity; they found out when they were in Sarasota putting on a Renaissance Fair; as soon as they got back to Brevard County, they jumped on it to try to find a different location; he figured the County followed the guidelines; he does not really want it to go to court; but he is willing to do that if it needs to be done.

Chair Steele inquired if the Commission can ask Mr. Moolhuizen questions at this point in time.

Attorney Richardson replied the Board can do so if it wishes.

Chair Steele asked if questions will be allowed from the audience.

Attorney Richardson responded affirmatively.

Chair Steele asked the Commissioners if he or she had any questions for Mr. Moolhuizen; and he stated hearing no questions, he was going to begin with the speaker cards. He explained as he calls the speakers, they will have three minutes each to speak; he asked the speakers to remember this is a legal situation; all they can really talk about is the appeal; they are not here to debate whether or not the Renaissance Fair is great or not; the Board is not here to tell the public it will make a decision today, and it will give Mr. Moolhuizen what he would like to do; and the Board is here to only talk about what went on and whether it was done properly.

Esther Cornelison commented she was here to beg to please leave her park alone.

Sandra Sullivan stated she thinks there is an issue here; she was at the meeting in September; what was stated by the Commissioners is that this is a community park and not a regional park; a community park is different on how it is used compared to a regional park, which is not a neighborhood park, as in a community park; and a regional park is broader use. She noted one of the resounding themes of her coming to this Commission is about accountability and transparency; the issue she had with this Ordinance change is that the stakeholders, the people who rent and reserve that park for periods of time were not informed; the only people, because she was sitting here in the audience, that were weighed in were the community members; she does not think this was handled correctly; when the Board does a zoning change, for example, with the Dredged Material Management Area (DMAA) site with the new Temporary Use Agreement (TUA), the people within 500 or 1,000 feet are notified; but the County did not notify the stakeholders. She advised the County has created a crisis for businesses, because it failed to do a transition or looking to how it is going to allow these businesses to continue to do well, and it serves a lot of customers in that area; in her opinion, this Board should go out and redo the Ordinance and do it right this time, with the stakeholders being informed and coming to the table; it created this issue; now it is going to make it a worse issue by selling off a piece of land; and the fact the people do not even know how that land is going to be used, as firefighting, affordable housing, Renaissance Fair, or whatever. She asked

the Board to revisit the Ordinance, and to do proper notification to the stakeholders so they all come and weigh in at the table instead of a select few to get the result that it wants.

David Lowerhouse stated once the Chair announced the relevance, his comments are no longer relevant.

Liz Nall commented she believes the Board followed the Ordinance procedures correctly; she wants Mr. Moolhuizen to know they do not want the Renaissance Fair there for another year; there is too much damage; the Scrub Jays are damaged; and people should think about the flora and the fauna in that park.

Chair Steele expressed his appreciation to Ms. Nall for understanding that outside comments other than about what the County is doing is really not needed.

Gini Nall stated she seconds Liz Nall's comments.

Francis Gomez stated she learned a long time ago that there are two kinds of politicians in this world, the ones who believe and have dreams and the other ones who just make business; this situation was bad management; the Board does not follow regular protocols to place on an Ordinance; it is affecting many people; and it needs to be fixed. She went on to say she walks in the park with others who have the same issues; every time it rains, water is running through the park; her sons go to soccer practice; when it rains, there is water and muck; a lot of stuff is going on in Wickham Park; the playground does not have a regular bathroom; and it is hard to imagine a little kid using a Porta Potty. She explained she thinks Mr. Moolhuizen is agreeing to fix maybe some of the problems in Wickham Park; she is pretty sure Parks and Recreation is willing to fix the issues, like reforestation; there was a fire in the park the last year; and she asked what is going on with that. She noted there are a bunch of trees there that are already dry; she asked why the Board does not work to make a better Wickham Park to follow Mr. Wickham's legacy to leave something behind; what happened to the people; she pointed out they are the people; they deserve better management; and all of the Commissioners are doing really poor work.

Attorney Richardson asked if the first speaker had a card and wanted to speak, as opposed to questions.

Kevin Rutledge, Esquire, stated the last time he was in this room, he was sitting over there helping to assist the County in trying municipal ordinances; he does not believe that the ordinance in question here would survive a rational basis test; every purported legitimate governmental interest has been debunked; the City of Melbourne actually had a hearing about a month ago where they went through the arguments of the fair cutoff access to the park, dog walkways, and criminal violations; and it was shown through the City of Melbourne records that there were no complaints entered into the City of Melbourne, which would be the logical place to file complaints. He asked if that is not the rational basis, or legitimate governmental basis, for this Ordinance, what is; he stated a young lady added flora and fauna; but they are talking about national processes; there was nobody that he observed during his time at the Renaissance Fair that went out and chased Scrub Jays or interfered with the Scrubs, it was the wet, grassy field that they use, so there is no real ecological harm going on; and if there was, as a government entity, there is no legitimate scientific study to prove that. He noted he has spent time at the County Attorney's Office prior to Attorney Richardson taking over; he implored the Board to please seek outside counsel to review this ordinance, because when he was at the County Attorney's Office, there was a very strong culture of telling the Commission what it wanted, not what was legal; and he reiterated to please look for outside counsel.

Attorney Richardson advised he has no concerns about the constitutionality of the Ordinance.

The Board approved upholding the decision made by staff and the County Manager, per Brevard County Code Section 78.82, and to deny the appeal.

Result: Approved

Mover: John Tobia

Seconded: Rob Feltner

Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

I.3. Board Direction, Re: City of Cocoa Parks Operations and Maintenance Interlocal Agreement

Mary Ellen Donner, Parks and Recreation Director, commented this is a request for action for an interlocal agreement with the City of Cocoa for park operations and maintenance; Brevard County actually operates and maintains eight parks in the City of Cocoa, which include two community centers; since 2011, the County has not had an agreement; and this is asking that the Board to consider one, present the proposed interlocal agreement to the City of Cocoa for approval by October 1, 2024; two, if the City does not approve the interlocal agreement by July 31, 2024, the County will notify the City that it will cease to maintain those parks in the City of Cocoa on October 1, 2024; and any other direction the Board may provide would be appreciated.

Commissioner Goodson pointed out that Ms. Donner told the Board it has been since 2011, and it is now 2024; the costs of the parks are about \$1.6 million; Cocoa kicks in about \$500,000; he does not want to hurt Cocoa, but he wants everybody to come to the table and it be fair; and this has been talked about for about eight months with Cocoa.

Ms. Donner noted she has been talking to the City of Cocoa since she got here, eight years ago.

Commissioner Goodson stated he brought it up about eight or nine months ago; the City wanted the County to install a \$1.5 million sewer line from Mo Stradley Park to Cocoa High School; but they charge the County for water and sewer, somewhere around \$25,000 to \$30,000 a year for their own water for their own parks; he finds that totally confusing; the County-owned a park on Peachtree Street, and Ms. Donner, or the County, put in brand new playground equipment; and within a week, the City of Cocoa closed the park because of the drug activity. He explained there seems to be no coordination between the City and the County; maybe the interlocal agreement will bring the City closer to the County, and work together to have good parks; he would like the Board to look at this with consideration that it has to fund parks in the City; and the other issue would be they are going to say they do not have the money, but the other day they found \$5 million to give to a private entity, meaning Brightline. He went on to say at another meeting there were comments regarding a \$700,000 splash pad on SR 524 in Junny Rios Park; if a person knows anything about a splash pad, it is not the cost of the splash pad, it is the maintenance; he definitely would not want to see the County maintain a splash pad; there is a certain responsibility the County has to have with its money; and if the Board is going to get beat up every time, he is not in agreement with that.

Commissioner Tobia advised he has some slides to present to the Board; he expressed his appreciation to Commissioner Goodson for bringing this to the Board's attention; and he stated he is strongly in support of this Item, but he is going to do something that has never been done.

Chair Steele asked Commissioner Tobia to provide his information very quickly; he would like to recognize City Manager Stockton Whitten, City of Cocoa, and Mayor Mike Blake; and he wanted to say hello and let Commissioner Tobia know they are in the room.

Commissioner Tobia commented that is super, but it will not change anything; he is going to do something he has not done in seven years here, he is going to strongly support this, but he is going to try to convince the Commissioners to vote against this; the Board had a very similar thing come up about two weeks ago when it came to lifeguards; and the Board voted no on that, so he wanted to point out the extreme similarities that are taking place between these very two extremely similar items. He went on to say number one, both of these are located in District 2, Commissioner Goodson's District, the parks there, as well as Cocoa Beach, the largest beneficiary of the County's resources when it comes to lifeguards; on the second slide, the exact same history that was pointed out, the County has been maintaining these parks for 40 years apparently; he guesses he is off a little bit; the County has been providing lifeguard services for just about 15 or 16 years, so the County has a strong history of covering 100 percent of the costs; but it is the same history there. He stated to go into the negotiations of Interlocal Agreements (ILAs), which was mentioned here, that the County has not had one for quite some time; it is the same thing when it comes to the negotiations of the lifeguard ILAs; the County has met with them numerous times, and always gets turned down for any type of agreement; here is where it gets too similar that it is almost scary; in the County's proposal, it asks for a 50 percent cost-share; and ironically, at a previous meeting, asked for the exact same cost-share, the 50 percent County and 50 municipality. He explained the last one, the cities are crying poverty; this was pointed out, and it just cuts against the argument, the City of Cocoa Beach has claimed they did not have enough money to help with this; but they are floating a golf course for \$1.5 million, they are building numerous buildings under all sorts of debt, that they go themselves into with all of that stuff; he agrees that \$5 million is going into Cocoa for a splash pad; and claiming poverty is something that both of these organizations or cities have done. He noted the similarities go on and on with these, so again, he is strongly going to be supporting this, because he thinks it is good policy; for consistency sake, unless there is a difference he is missing here between the residents of Cocoa and the people who frequent the beach in Cocoa Beach, he does not think that there is a reason for the Board to vote in favor of this; and that is his argument.

Chair Steele pointed out, that is one of the most interesting arguments he has ever heard.

Commissioner Goodson asked if Commissioner Tobia is for it or against it.

Commissioner Tobia remarked to be very clear, he is extremely consistent, and has maintained consistency; he believes that the municipalities need to cost-share on these types of activities he voted that way each and every time when it came to lifeguards; he opened this up with Commissioner Goodson, he thinks this is very good policy; he wishes the County would have done this ages ago; he strongly supports this; but the Commission gave him many reasons why he or she voted against lifeguards; and those reasons are the exact same reasons, under the exact same structure, when it comes to cost-share history, so his argument is for consistency sake, it would most likely benefit the Board to vote a thumbs down on this one.

Commissioner Goodson stated one thing he can say about Commissioner Tobia's consistency is he can never figure out how he is going to vote; he expressed his appreciation to Commissioner Tobia for his comments; and he advised he will be voting for this.

Commissioner Pritchett asked Ms. Donner what percentage the City of Cocoa is reimbursing the County right now to maintain their parks.

Ms. Donner replied the County collects an administrative District 4 tax, so there are specific taxes collected within the City of Cocoa, and that goes towards the maintaining of the parks; but specifically, the City of Cocoa does not pay the County to maintain their parks.

Commissioner Pritchett asked if the City of Titusville pays to maintain their parks.

Ms. Donner responded it is the same premise, the County collects taxes within the City of Titusville.

Frank Abbate, County Manager, asked what the amount was; and was it about \$550,000.

Ms. Donner replied in 2023, the County collected from the City of Cocoa \$568,000, and it expended \$1.6 million, for a difference of \$1.1 million.

Commissioner Pritchett stated a while ago, the County did an analysis with the City of Titusville and found they are pretty much paying for all of their parks, because it was a time the County was looking at maybe moving the parks back to the cities, but they were able to cover that; the City of Titusville, the North Brevard area, also did a special form of taxation to help support some of the extra park activities, which might be a good thing for the City of Cocoa to look at, but that is their business; she guesses this is a good motion to try to get the agreement done fairly soon, it is just appropriate; the other thing maybe is to take the parks; but she knows that is not something that has been very popular with this Commission over the past. She noted that would be giving the City of Cocoa a few more months, which is good.

The Board authorized staff to present the interlocal agreement to the City of Cocoa for their approval by October 1, 2024; authorized the Chair to execute the interlocal agreement, if approved by the City, and upon approval by the County Attorney and Risk Management; authorized the Parks and Recreation Director to notify the City that it will cease to maintain the City of Cocoa parks on October 1, 2024, if the City has not approved the agreement by July 31, 2024; and authorized the County Manager to execute any necessary Budget Change Requests.

Result: Approved

Mover: John Tobia

Second: Tom Goodson

Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

I.4. Approval, Re: Tourist Development Council (TDC) FY 2024-25 Tourism + Lagoon Grant Program Funding, Guidelines, Application and Scoresheet

Peter Cranis, Tourism Development Office Director, stated this is a recommendation from the Tourist Development Council (TDC) recommending reinstatement of the Tourism and Lagoon Grant Program maximum funding up to \$500,000, maximum program \$50,000, and all the accompanying guidelines, application, and scoresheet.

Sandra Sullivan stated last season the comments were made after Hurricane Nicole that the beach fund was insolvent; by the grace of God and help from the Congressman, that got fully-funded this year, and the County kind of breezed through a bit of a crisis through that support; but the County cannot always rely on that to be fiscally conservative; she thinks that beach fund needs to be rebuilt; the Lagoon tax provides a lot of money to projects; and it seems redundant given that there are a lot of other things in that section of the Tourist Development Tax (TDT) under beaches. She went on to say for example, the acquisition of other parcels next to South Patrick Residents Association (SPRA) and such; there are other

uses it could be put to; one of the objections she had in the past with the use of this tax was, for example, the seagrass controversy; there is no seagrass in the Banana River, none, and she asked where the County put the first seagrass project in Satellite Beach where there is no seagrass and the worst water quality; and people did not know about it because it is in TDT, and most people do not look at TDT agendas. She noted she is not too happy; there is already a Lagoon tax; this should be spent on tourist-related stuff; and some of the monies where this is going, she even questions if it is for tourism, like seagrass.

Commissioner Tobia commented this is going to be a little different from the recommendation; there is about \$8 million in beach fund reserves according to County staff; it may sound like a lot; however, a single storm can impact that; at best-case scenario, it is a nine to one match when grabbing Federal and State partners; and at worst, it is a three to one match, so this is highly-leveraged money even in short-term. He continued by saying in 2022, the beach fund had insufficient funds to cover the damage from two storms that impacted the County; the use of \$8.4 million in American Rescue Plan Act (ARPA) funds was necessary to recover the costs of said repair; even without a storm, beach maintenance projects can be in the millions; even storms that happen off-shore that do not impact the County, can greatly impact this; and the TDC Lagoon grants were a regularly-funded source for derelict vessel removal by Natural Resources Management. He stated there are other funding sources, and they are highly-competitive; in 2019/2020, 72 vessels were removed at a cost of 112K of this fund; 2021/2022, 36 vessels at \$49,900; in 2022/2023, 25 vessels at \$121,000; and to be clear, derelict vessel removal does not meet the criteria for Save Our Indian River Lagoon (SOIRL) funding.

The Board rejected the Lagoon Grant Program guidelines in the interest of building reserves in the Beach Fund for beach maintenance and repair, and to include a Fiscal Year 2024-2025 allocation, not to exceed \$150,000, for the Brevard County Derelict Vessel Removal Program.

Result: Denied

Mover: John Tobia

Second: Rob Feltner

Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

I.5. Approval of Settlement Agreement, Re: Brevard County v. Eric and Amanda Obloy

Morris Richardson, County Attorney, stated this Item is a request to approve a settlement agreement between the County and Eric and Amanda Obloy; this relates to Code Enforcement Liens that were imposed on real property on Gator Drive on Merritt Island between 2015 and 2019; the accrued amount of the fines on six cases total \$350,350; as of July 2021 when all related Code violations had been complied, the property has such sold and belongs to someone else; the lien amounts were transferred to a cash deposit in the Registry of Courts that is being held by a court; and recently, the County mediated this case with former Judge Charlie Roberts. He explained he thinks they got to an excellent outcome; and the County would receive \$290,000 in cash in satisfaction of the six Code Enforcement Liens totaling \$350,350.

The Board approved and authorized the Chair to sign the Settlement Agreement for Brevard County v. Eric and Amanda Obloy.

Result: Approved

Mover: Tom Goodson

Second: Rob Feltner

Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

I.6. Approval of Settlement Agreement, Re: Bross v. Brevard County

Morris Richardson, County Attorney, explained this is another settlement agreement on property located on Merritt Island; in this case, as a result of certain Code actions and other things, the County ended up owning undivided one-half interest in an 80-acre parcel of real property, along with Paul Bross; Mr. Bross filed a suit to partition the property, asking the Court to divide the property between himself and the County; the parties mediated this case some time ago; once again, former Judge Crawford served as the mediator; the County agreed to a partition of the property, equitably distributing the property and a number of other terms; and subsequently, at a closed client private meeting, the Board directed him to prepare a final settlement agreement with terms consistent with that mediated agreement, and to bring it back. He went on by saying it took some time to come to an agreement on the finer points of the agreement; but he thinks it is a good resolution and agreement to that case.

The Board approved and authorized the Chair to sign the Settlement Agreement for Bross v. Brevard County.

Result: Approved

Mover: Tom Goodson

Secunder: Rob Feltner

Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

I.7. Permission to Advertise for Public Hearing, Re: Ordinance to Repeal the Economic Development Ad Valorem Tax Exemption for BK Technologies, Inc.

Karen Conde, Assistant to the County Manager, commented this Item is a request for a public hearing to consider an ordinance to repeal the Economic Development Ad Valorem Tax Exemption for BK Technologies, Inc.; and if approved, the public hearing will be on May 21, 2024.

Commissioner Tobia stated the Board always hears positives about these, so he wanted to go through a little history; this Item is due to BK Technologies choosing not to adhere to the Ordinance requirements of submitting an annual report for 2023; two certified letters, with confirmation of receipt, were sent to the company; in addition to rescinding the abatement for the remaining of the term, Ordinance No. 19-010, Section 1, Item G, allows the County to seek reimbursement of ad valorem taxes abated in favor of the company during the period the company did not meet requirements of the ad valorem tax abatement program; in this case, with BK Technologies, the County can seek reimbursement of \$9,259; looking back since 2018, the County has heard nine abatements, and it has approved six; and to be clear, only two of these six are actively receiving abatements. He noted to make matters worse, during this same period, the County has actually rescinded eight of these now, including BK Technologies; he expressed his appreciation to the Board for not approving the L3Harris abatement this year; it would certainly have egg on its face had it handed L3Harris millions of dollars in tax abatements right around the corner as L3Harris lays off five percent of its entire workforce; and he stated he wants to thank the Board Members who supported that, and to be leery as it hears these in the future.

The Board granted permission to advertise for a public hearing to consider adopting an ordinance repealing Economic Development Ad Valorem Tax Exemption for BK Technologies, Inc.

Result: Approved

Mover: John Tobia

Secunder: Rob Feltner

Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

I.8. Proposed Revisions to Board Policy BCC-95, Re: "Citizens Process for Advising the County Commission"

Commissioner Tobia expressed his appreciation to Kristin Lortie for bringing up this Policy BCC-95, as he had not actually given it a look; it is good it is being brought up as this Policy had not been reviewed since 2014; as a result, he is proposing a revision to the locally originated recommendations to improve efficiency amendment to this Policy to ensure it mirrors the Charter, Section 2.9.10 as much as possible; this is very important as the program was approved by 73.27 percent of voters in 2012; the County needs to effectuate their opinion through Policy as much as possible; these proposed revisions originated from his office; but as they deal so closely with the Charter, he ran the suggestions through the County Attorney's Office to make sure that there were no legal issues. He advised if anything comes up that needs a legal opinion, he may be punting it over to the County Attorney accordingly; he made a table explaining the reasons behind the subsidy of changes located in the document; note that at the bottom that these revisions were suggested by the District 3 Office, but reviewed by the County Attorney's Office for legal sufficiency; as the Board can see, there are other minor changes or procedural changes the Commission may want to ask about, but certainly, were not included in the table; he is willing to go over the individual revisions; but he believes the table does a pretty sufficient job of doing that.

Sandra Sullivan stated she thinks the people really weighed in on the will of the people in that the communication is not being heard; there were 58 responses to this; they encouraged better communication between the Commission and the people; that is not reflected in this; after seeing this Agenda Item, the first thing she did was to email the County Manager and request that the redlined version be uploaded, which it never was; and she managed to get it from someone else. She advised there is a lack of transparency on this Item; as a person can see with the redlined version, almost the entire Policy is rewritten; she wants to talk about how this reflects some of the comments made by people; this process is in December when people are busy with their holidays; it is a very difficult time; and it was asked to extend it into November or January, or opening it up in advance to where one can put it in, and it would not be considered until that time. She remarked as a systems analyst, she had recommended a simple thing to add one field to that Speak Up Brevard form that would allow staff to put in their comment; at least then the person making the suggestion would have an avenue to email the staff member and have a dialogue, because ideas come not from one person but by collaboration; the third thing is, and this one really gets her, it reads the County Manager shall schedule, and it used to be an Agenda Item for the Board of County Commissioners, and it used to say to consider the citizens recommendation as practical within the period; now it just says it comes to the Commission for a final vote. She noted the other suggestion that was made by the people is to have one Agenda Item for all of the Items, which could be 50 or 100 that the Board have a workshop to where there is a dialogue, whether it is the Board or staff to at least have a process to consider; the bottom line is the Commission does not want to hear from the people, it is evident coming to these meetings, he or she does not care to listen to the will of the people; and she will have more to say about that under Public Comment.

Katie Delaney commented she is opposed to this update in the Policy; this program was intended to give the people a real process to make positive change in their community; the change in this language is not citizen-friendly; for example, before the language said the County Manager would solicit citizen engagement; that got removed; then, a small, but mighty

change was made, and it was very passive aggressive; the word 'courtesy' was added; and that it would be a 'courtesy' to open up 30 days before the cutoff. She went on to say the courtesy would have been if the County would have opened it up prior to the holiday season; she asked, with an election right around the corner, why update this now; she noted Commissioner Tobia mentioned why; and it is obvious it was retaliatory against one of the speakers. She went on to say more citizens have used this program than have ever before; that should be glaring to the Commission that citizens are not being heard, and that they are using this tool to engage with the Board, because emails are not getting responded to; there is no other way for the people to have his or her voice heard; the Board could have done a good-faith effort and done revisions that were more friendly to the citizens; for example, like Commissioner Goodson mentioned, the Board could do a workshop to speak about the proposals so the people could actually have robust conversations around the citizens' ideas; and instead of saying no, this does not work, it would be nice if staff would speak with the citizens to say this is not under the County's jurisdiction, but maybe something else could work, that obviously, the people care about this and what could be done. She went on by saying the County could have advertised for free by making a post on social media announcing the program is open; that would cost nothing, it would take two seconds, and it would show the people that the Board wants their engagement; and instead of making positive citizen changes, the Board is wielding its power against the people yet again.

Commissioner Goodson advised Section 3A, changes the annual filing date to January 31st; the purpose is to move the time period for submission to and after the holidays; and Ms. Delaney said the Board did not do that to her liking.

Ms. Delaney explained the reason why she does not like that change is because that pushes that process forward another month; and the whole reason why this was done this way in January was so it would line up better for budget season, which was the intent.

Commissioner Goodson noted if it pushes it ahead a month, through the holiday season, she does not like that; and he asked if Ms. Delaney would prefer September.

Ms. Delaney replied in a perfect world what she would love to see is the program be open all year, but then the staff only have to look at those proposals during that month prior to January 1st.

Commissioner Goodson commented Ms. Delaney would like to see staff work every day on a proposal that everybody could just hit their computer and send it in; and he asked if that is correct.

Ms. Delaney responded no, sir; she would like the website to be open so people could send in their proposals, not that staff would have to work on it every single day; and they would only have to work on it in that window.

Commissioner Tobia mentioned while everyone may not agree on these proposed changes, the revisions are intended to keep the Policy the exact same as Charter language that was voted, again, by 73.27 percent of the voters; not one of the speakers came up today and referenced how that was in contradiction to Section 2.9.10 of the County's Charter; had they done that, then it might be consideration worthy of a change; and however, again, he is trying to align the Board's Policy with, this is Republicans, Democrats, and Independents, 73.27 percent of the people out there, not of the people who came up and spoke, but of the folks that voted on this on November 2, 2010.

The Board approved the revisions to Board Policy BCC-95, Citizens Process for Advising the County Commission.

Result: Approved

Mover: John Tobia

Second: Tom Goodson

Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

I.9. Referendum, Re: Establishment of a Non-Ad Valorem Special Assessment/ Municipal Service Benefit Unit (MSBU) for Road Paving in Canaveral Groves

Morris Richardson, County Attorney, advised this Item is a request for the Board to provide direction to himself and staff regarding a potential referendum election within a sub area of Precinct 102, for the purpose of paving certain County-maintained dirt roads in Canaveral Groves; if approved, what this would do is it would give the County direction to work with the Supervisor of Elections to do what is necessary to set up the sub precinct so it would be ready for a referendum election; for staff to more thoroughly evaluate the cost of the road paving project, evaluate financing options, and approximate the amount of the assessment upon properties within the Benefit Unit that would be created so that staff would be able to advise the citizens prior to the referendum election on what this would cost; there is a list of the unpaved roads within the Agenda Package that are subject to this Agenda Item; and this sub precinct that would be created would be property owners with property that abut those unpaved roads or would otherwise be benefited by the paving project. He went on to say if this went to a referendum election, it would require a simple majority of the voters to approve the referendum; however, further action would be required from the County in the future to enact a non-ad valorem special assessment within the Municipal Service Benefit Unit (MSBU) that would be created.

Commissioner Pritchett asked who on the referendum would be able to vote for this Item.

Attorney Richardson replied any of the electors that reside within the benefit district that would be created.

Commissioner Pritchett asked if it is only for those affected by it that would be able to have an opinion on it.

Attorney Richardson replied affirmatively.

Commissioner Pritchett commented the reason this was started is there are 82 miles of dirt roads in the County; District 1 has 68.6 miles of them, or 84 percent of them Countywide; mainly it is because there are a lot of rural areas; people move in there, build their houses, and when there are enough houses built in there, they would like the roads paved in the area; and she totally understands. She continued by saying when a person moves into a subdivision, those paved road fees are within the cost of house, so that is how those are paved for; it is typically not paid for by taxpayer dollars, unless there is a situation with a main road and the County has to pick it up; for the past seven years-plus this has been an item of trying to figure out how to get roads paved for people that want them without making everyone in the County pay for them, because they already paid for their paved roads in their neighborhoods, so many avenues were tried; this is an area where the County gets a lot of complaints from the people who live in these areas; and they have tried to get MSBU packets, but nobody has had the time to fill them out and get those petitions in. She mentioned trying a pilot program of putting on it on the ballot just for this one area so the people who just live there can let the County know if they want to pay for having them paved or not; if it comes back and everybody votes no on it,

then the County will not mess with it; but if they do vote yes, then the County is going to find a way to help facilitate that and help to make some type of equitable payments from the homeowners to help get their roads paved; and that is primarily what this is.

Commissioner Goodson asked if prior to the vote that the residents have an understanding of what their frontage would cost per foot, and is that the way it works.

Attorney Richardson replied yes, that is why the County is making action now instead of just bringing the Board a resolution ready to go, because it is going to take some staff work to determine that assessment methodology.

Sandra Sullivan explained, and she showed the Board a copy of the map, that the whole area was the taxing district; when this first came up on May 4, 2023, it was around the time she saw some lobbyists visiting Commission offices, which she asked what that was about; and it turned out to be about the Brightline development, even though she was told by District 4 that it was about burrow pits. She noted at the next meeting, the idea was brought up about doing paved roads, which was May 23, 2023, with the controversial item of Brightline development putting a dirt road down through Osage and Angelica; it was not really obvious as that was the item; what she would like to see if the Board is moving forward with this taxing district is assurance that the Stipulated Agreement is being fulfilled, and that the developer of this Brightline development, as it is referred to by District 1, that they are paying all of the County's reasonable costs in acquiring said lands and interest of land and costs of constructing public road access; they agreed to pay and to have an MSTU cost, which never happened until very recently; but they agreed to pay for the cost of access off of Grissom Road. She advised she will be doing a public records request, and she would like to see a copy of the cancelled check or payment made by this developer, because it looks to her, with the timing of the meetings, May 4th followed by the May 23rd, is that something is being finagled here; and they are going to do the records request and see whether this is trying to put this cost onto the taxpayers to cover that.

Commissioner Goodson inquired in reference to what Ms. Sullivan is saying, is that the road north of State Road (SR) 528 that has nothing to do with this taxing district.

Commissioner Pritchett replied she believes Commissioner Goodson is correct; and she thinks those roads are already paved.

Commissioner Goodson stated she is referring to the new road that is going to go from the . . .

Commissioner Pritchett remarked to connect to Grissom.

Commissioner Goodson stated yes.

Commissioner Pritchett mentioned she did not think that would be part of it; and she asked the County Attorney if this was the intent to put that in there.

Attorney Richardson explained no, the map shows a general area; there is a circle showing the general area; but the Agenda Report, if a person actually reads it, it specifically identifies the unpaved roads that would be subject to it; on the map, the unpaved roads, there is a key to it, and a person has to read the key, but the key shows which of those roads are dirt roadways that would be paved; again, it is only property owners abutting those paved roads; and a person would have to go a number of streets north of Angelica or Osage before getting to the nearest unpaved road that would be subject to this MSBU. He reiterated the map shows a

general area; but the sub precinct would only be those properties abutting one of the unpaved roads that would benefit from the project.

Commissioner Goodson stated there are numerous roads in this taxing district; he asked would they be done over five or 10 years; and how quick the taxes would be collected.

Commissioner Pritchett stated it was being worked on, the data by costs; and she asked if the County Attorney has any idea on that.

Attorney Richardson replied there are a few options; there is only a certain pace in which the County can go on paving roads internally; external contractors can be used, so there are a couple of options; part of this action is for staff to go down and do a more detailed assessment of the time and costs; and by doing it on this scale and doing a number at once, the County can realize some efficiencies that if it just did one isolated road at a time, it might not. He continued by saying it will take some time, as it is approximately 14 miles of unpaved roads.

Commissioner Pritchett commented the County Attorney has been putting a great amount of time into it, so she wanted to check with the Board to see what its ideas were for this before moving forward and investing even more time into it.

Attorney Richardson pointed out, if the Board approves this, staff will come back likely in May or maybe the first July meeting with a lot more information and a resolution that would place this as a referendum election on the ballot.

Orville Cox remarked he has lived in Canaveral Groves for 33 years since he had his house built; at that time, to the best of his recollection, it was no paved roads anywhere, except maybe Canaveral Groves Boulevard; but now most of the roads are paved on the east side of I-95, the main roads; the west side where he lives, there are a lot of houses there, are still unpaved; he believes they pay the same amount of property taxes as the people who are living on these paved roads; and he asked why they should have to pay when these other roads were paved for the County, included in the property taxes, as the unpaved roads. He noted up to three or four years ago their roads were horrendous on unpaved roads; after much discussion with Commissioner Pritchett arguing and begging, the County did come in and build up the road base on almost all of the unpaved roads, so now he does not think there is going to be that much of a cause because the road base is there, except for the pavement; before that, these roads were horrendous; and when it rained, it was like a canal, a ditch; there again, when it is dry, there is the dust and washboard roads; and it appears to him, to charge an extra cost to the people living on unpaved roads now would be basically double taxation, as they are already paying the same amount of taxes as everyone else. He stated with the new housing developments in District 1, on US 1 there is another one being built, and one on Canaveral Groves that has tons of houses, it seems to him that there is a lot of tax base being added to these; and he would love to have the roads paved, but he does not believe that the extra cost should be up to the residents.

Commissioner Pritchett advised she loves Mr. Cox's community, and he is one the people in there that is so incredible; the County has done a lot of work on his roads; she has heard from his neighbors who want the roads paved; but if he does not to just vote no; and it is all up to the residents what is done, as they are the only ones who will be voting for it.

Mr. Cox noted he understands that; some people want to live on the dirt road; he does not know why; they say it is because of riding horses; there are no trails, so a person has to haul them somewhere to get to any woods where they can ride; and he asked why they should have to pay an added tax when other people that live on paved roads already do not.

Commissioner Pritchett stated what happens, if he looks at his tax bill, there is only about \$40 or \$50 of his money going for the roads; the County has to supply a lot of money to maintain them; it put a lot of money into refurbishing them because it was a mess; but to pave them, everybody else pretty much paid in other areas of the County, but she has this rural area that did not; there is just no more money, so if Mr. Cox wants them paved, there is no money she can find to pave them with.

Mr. Cox explained but most of these rural roads did not have the amount of residents as Canaveral Groves does; there may be a three-mile road in North Brevard and there might be 10 residents; and Kumquat Avenue serves over 50 residents.

Commissioner Pritchett mentioned if he votes no on this it will completely go away; this is a way for the residents to have a voice if they want to do it; the County just tries to find a way to help with the process; and it is all up to them what they want to do.

Mr. Cox pointed out if a person wants to pay for it.

Commissioner Pritchett noted when she moved into her neighborhood she had to pay for those roads, so she would love to do it if she could talk the Board into giving her extra funds just for District 1, but it is Countywide tax dollars; and she has been trying for seven years to try to get some money for them.

Mr. Cox remarked that many of these that are paved on the east side are being repaved time and time again.

Commissioner Pritchett stated resurfaced, she knows.

Mr. Cox stated resurfaced, but they did not really need resurfaced; it just seems to him to be a lot of waste that does not need to be; and ones like himself are being neglected.

Craig Hotaling stated he actually did start the process of the MSBU; he has good feedback from most of the neighbors, so he cannot speak for everyone, he cannot speak for every road out there, but at least on their part of Calamondin Avenue they are at the level of 66 and 2/3 or whatever the percentage is; he thought now would be the right time to bring it up; some are in favor of it and some are not; and with them, it is just a concern of the vagueness of costs. He continued by saying he cannot tell anyone how much it will cost until they get an estimate and bid; he asked if it is per lot or owner; he advised some people have seven acres and that only counts as one vote; some people have two separate one-acre lots; he asked if that person will be paying twice the amount that the seven-acre lot is; he reiterated there is a vagueness, everyone is unsure; and he cannot give people the answers not knowing them himself. He noted he did get a good response going door-to-door and meeting all of these people; he has not been here like the previous speaker for 32 years; but if a person goes down Calamondin Avenue, it certainly needs some work; he knows the graders do come and say it is once every week or so, but they have not seen them in three weeks; they have vehicles that are getting ruined due to this; and it is literally a washboard for the entire length of the road.

Commissioner Pritchett stated if Mr. Hotaling would just get that to her office over the next couple of days, and she and staff will start looking at that; and they will work on getting the data with the others.

Chair Steele remarked candidly he believes this is an extremely creative idea that Commissioner Pritchett has come up with, so it is giving the residents an opportunity.

Martha Mosch commented there is an old saying that a person cannot please everyone all of the time; she is in the section of Canaveral Groves that is considered the forgotten area; they do not get the road maintenance they are supposed to get, they do not get their ditches mowed, and things taken care of; but she does agree that this does need to be put out to the residents to vote on; she knows personally, she agrees with what Mr. Cox said that the people on the other side of Canaveral Groves do not have to pay for their roads, as their roads are already paved; and here they are still waiting to get their roads paved. She mentioned they are always repaving roads that do not need repaving, so she would like to see how they look at the money, and how it could help them; one other concern she has is there are hardly any empty lots left; they are getting more and more people on that side of Canaveral Groves; they still only have two ways out of there; and God forbid that they get another fire like they had in 2003, and the County will not be able to get all of those people out of there.

Brad Mosch explained he would suggest putting speed bumps on sections of the roads, such as Tangerine Street, which is where they live, because a couple of years ago speed humps were put on Cangro Street, which is north of them; the dirt road, Tangerine Street that they live on, became a bypass for people to get around the speed bumps and traffic instantly jumped; if Tangerine Street is paved, he assumes it will become an even more convenient bypass to get around those speed bumps on Cangro Street; and he is hoping there is an option to add speed bumps on Tangerine Street if it does get paved, so it does not become a very convenient bypass for the speed bumps.

Clint Knowles stated he is a Canaveral Groves resident, and he met with Commissioner Pritchett four or five years ago, discussing paving concerns; he thinks everyone agrees, it is a major issue; during Hurricane Matthew, they had some problems with washouts and such, concerns getting medical vehicles in, and even the school buses after the Hurricane was a problem; this needs to happen from the funding end of it, the majority of the roads in there are paved, particularly on the east side of the highway; those were not done under a special assessment; and the idea of fairness and consistency as Commissioner Tobia said, they hope they will be granted the same that these roads get paved for the safety of the community and the folks who live out there. He advised he knows the Board has a challenging job; and they appreciate what it does.

Katie Delaney noted she truly does not have an opinion of whether or not these roads should be paved; she thinks that the residents should decide, as that is a good idea; what she is frustrated with is there was no community conversation; many times Commissioner Pritchett has been asked to come to the homeowners association meetings and she has not come; she knows from personal experience, she has many times tried to reach out and has not gotten a response back; and people are frustrated. She mentioned people do not know what this process is; people are questioning if everyone is going to have to pay this tax, or is the only the homes on specific streets; when she reached out to her neighbors and the community in Canaveral Groves, most of the people do not want the paved roads; they feel like they live in Canaveral Groves for a reason, because they want to live in a rural atmosphere; people who do want the roads, a lot of them want it because the dirt roads have not been maintained; and just like some of the speakers talked about, that is a huge problem that these roads have not been maintained. She exclaimed she thinks this is a good idea that this goes to the voters; she just wishes there was more transparency, more community involvement; she finds that it is ironic that Commissioners Pritchett and Tobia talked about it at the budget meeting that the infrastructure is not the County's problem now, to wait for the next Commission, which she is referring to impact fees and whatnot; but the County is going to rush into paving these roads without a conversation with the community; and she is having the same people reach out to her in Mims and Scottsmeer, as they do not want it. She stated what the people do want is their dirt roads to be maintained; and the Board just needs to do better.

Commissioner Goodson asked how much better transparency can there be than to allow the people to vote.

Ms. Delaney replied she thinks that is a great idea, but she thinks what should have happened first . . .

Commissioner Goodson interjected by saying she said she wanted to see more . . .

Ms. Delaney asked if she can finish.

Commissioner Goodson responded no, she said she wanted to see more transparency; and he is trying to determine what Ms. Delaney wants to do.

Ms. Delaney advised what she would like to see is a community conversation with the people that live there prior to having to spend the money putting that on a ballot and putting the staff through all of that, when the Board could have just had a conversation with the community.

Commissioner Tobia asked how much this is going to cost.

Ms. Delaney replied she does not know, the County Attorney does not even know.

Commissioner Tobia asked how much it is going to cost per parcel.

Ms. Delaney asked if Commissioner Tobia knows that.

Commissioner Tobia replied he does not, and he would like to tell her why he asked the question; he believes Commissioner Pritchett is going through the process; the reason she has brought this up, and it is something Commissioner Pritchett scolded him on ages ago, is if a Commissioner is going to use an inordinate amount of staff time, before doing that to please bring the issue to the Board; it takes a lot of work for staff to figure out how much it is going to cost and how it is going to be divided; and the Board does not have that information. He pointed out he is sure Commissioner Pritchett would be more than willing to share the information; there was a gentleman who said he has spoken with folks, but he does not have it, and neither does the Board; this is a process that will get everyone to that; normally he votes against these things; but based on the information he has gotten from this is Commissioner Pritchett is trying to get all of this information together to be able to present this to the citizens; these are the steps required to get all this information; and to expect Commissioner Pritchett to have answers before anyone else has them is unfair.

Ms. Delaney stated nobody is expecting her to have answers; and what she asked for is a community conversation.

Commissioner Tobia advised he will be strongly supporting this.

Steven Thibodeaux commented he is a constituent of Commissioner Pritchett who lives on Banana Avenue; his wife has emailed her staff in reference to this already; they own horses, they own horses on a dirt road; they bought on a dirt road specifically so they can enjoy the pleasure of riding their horses in their community; there has been a lot of development on Banana Avenue; and they have maybe three or four lots left that can be developed on. He noted he has lived out there for 12 years; it is his second time of living in Canaveral Groves; they moved there specifically for the dirt roads; if he wanted to live on a paved road, he would have moved to Viera; there are going to be people who live on paved roads in that specified

new District for voting; and he asked if it is only going to be the folks who live on the dirt roads who will cast votes on this ballot.

Commissioner Pritchett asked the County Attorney if it will be only those folks on dirt roads.

Attorney Richardson replied only on dirt roads.

Mr. Thibodeaux exclaimed he is opposed to this; as other folks have stated, he does not need new taxes as his taxes are high enough; he has two lots specifically for his animals; and they like it like it is.

Commissioner Pritchett stated Mr. Thibodeaux has never gotten a hold of her asking her to pave his road.

Mr. Thibodeaux stated he has asked her to grade the roads.

Commissioner Pritchett noted he can do that all he wants, as the County will do it.

Mr. Thibodeaux mentioned they have done better since they raised the base; he worked in the asphalt industry as a kid; it is expensive to pave roads; he really does not want to see that extra money; he is retired and his wife is getting ready to retire; and for them, it is a bad move.

Commissioner Pritchett explained if she gets another windfall tax hunk of money, it will help with this as well if the residents would like this.

The Board directed the County Attorney to prepare a resolution calling for a local referendum election concurrent with the November 2024 general election to determine if a non-ad valorem special assessment shall be levied to fund the paving of certain County-maintained dirt roads in Canaveral Groves; directed staff to estimate the costs of road paving project, evaluate financing options, and approximate the amount of the assessment upon properties within the benefit unit; and directed staff to work with Supervisor of Elections to prepare for the administration of the localized referendum election within the benefit area.

Result: Approved

Mover: Rita Pritchett

Secunder: Tom Goodson

Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

J.1. Reports, Re: Frank Abbate, County Manager

Frank Abbate, County Manager, stated yesterday evening Public Works received a request from the Transportation Planning Organization (TPO); they are working on an accelerated Infrastructure for Rebuilding America (INFRA) grant for Ellis Road; it is a multimodal project grant opportunity; the Federal Government had shifted the timeframe, it was supposed to be a couple of months later, but they have accelerated it a few months for whatever reason; staff is looking for a letter from the Chair to support the project to be sent to the office of the Secretary of Transportation at US Department of Transportation; and he is sending that one out to each Commissioner. He continued by saying the second one is a supporting letter from the Board for the City of Palm Bay; they have an Emerson Drive Project; it is with Safe Street's for All implementation grant; the TPO is requesting that staff also supports that, so they are looking for the Chair, with Board approval, to sign both of these letters of support for these grant application requests.

The Board authorized the Chair to execute a Letter of support to the Office of the Secretary of Transportation for Ellis Road: Linking Aerospace National Defense and Community MPDG for Ellis Road: Linking Aerospace, National Defense, and Community through the Nationally Significant Multimodal Freight and Highway Projects (INFRA) program.

Result: Approved

Mover: Rita Pritchett

Second: Rob Feltner

Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

J.1., Reports, Re: Frank Abbate, County Manager (continued)

The Board authorized the Chair to execute a Letter of support to the Office of the Secretary of Transportation for City of Palm Bay's application for the SS4A Implementation Grant for the Emerson Drive Sidewalk and Lightning Improvement Project being a crucial initiative that aligns with the shared commitment to ensuring the safety of all road users in Brevard County.

Result: Approved

Mover: Rita Pritchett

Second: Jason Steele

Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

J.6. Reports, Re: Rob Feltner, Commissioner District 4

Chair Steele stated since this kind of ties in, he is going to ask Commissioner Feltner for his report now so he can discuss the letter he is proposing.

Commissioner Feltner stated he took it upon himself to write a letter in support of Ellis Road funding that is in two different places in the budget; the Governor is getting the budget soon; the total is \$10 million, so he thought rather than each of the Commissioners trying to write a letter, he would just do one; the Board could give direction to the Chair today to sign it and send it; he passed it out earlier; and he will read it if the Board would like, but it is pretty straight forward. He read the letter.

The Board authorized the Chair to execute a Letter of Support to the office of Governor Ron DeSantis for Ellis Road being a strategic connector between I-95 and the hub for Aerospace, Aviation, and Defense Contractors in Brevard County.

Result: Approved

Mover: Rob Feltner

Second: Rita Pritchett

Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

J.5. Reports, Re: John Tobia, Commissioner District 3

Commissioner Tobia stated today is National Talk like Shakespeare Day; the useless Florida fact is in February 1999, Plant City stole the Guinness World Record for the world's largest strawberry shortcake, measuring 827.44 square feet, weighing in at 851 pounds from Quebec, Canada; however, the record is now being held by a city he cannot pronounce in the Philippines for a shortcake weighing 21,213 pounds; and at least it is not in Canada's hands. He went on to say this day in Florida history is in 1921, the Florida Legislature divided Old De Soto County into five parts from the Counties of Hardee, De Soto, Charlotte, Highlands, and Glades; the employee recognition is for Lisa Kruse, Land Specialist II, in the Public Works, the

Land Acquisition Office; she has three years of service; she has over 21 years of experience in the title insurance and closing industry, which makes her well-suited in the Land Acquisition area; and as a Land Acquisition Specialist, her duties include negotiating with property owners for the acquisition of property, easements, and right-of-ways to support County projects. He commented in addition she reviews title reports, legal descriptions, and appraisals; most importantly, she works to establish and maintain a relationship with trust and integrity with the public; she is extremely dedicated to her job and the County; she has always had a smile on her face; and Ms. Kruse is one of the most pleasant people to be around according to those she works with, as she is a ray of sunshine. He noted a fun fact is Ms. Kruse boating, antiques, and traveling; in fact, on one of many travels she found herself on a cruise ship during a nor'easter; the waves were crashing over the deck, but like a trooper she is, she remained true and steady in tough times; she did not even get sea sick like most of the passengers around her; and he expressed his appreciation to Ms. Kruse for her service, as she provides an important function that most in the County benefit from but have no idea what is going on.

K. PUBLIC COMMENTS

Sandra Sullivan stated over the last couple of weeks she has been writing a lot of emails and calling the District 4 office without response; they were made aware of a meeting, she was made aware of this a couple of months ago, of a County meeting with some of the residents of South Patrick Shores on the 25th of April; since she did not get an answer from the District 4 office, she decided to go to the Save Our Indian River Lagoon Citizens Oversight Committee (SOIRLCOC) on Friday; and she asked the specific question, the use of the Dredged Material Management Area (DMMA) watering sight for the Grand Canal Project, if they were extending the Temporary Use Agreement (TUA) to facilitate other projects, because they had a community meeting with over 100 people present, everybody was invited, and they were told in 2018 that this project would be only for the Grand Canal Project due to the inconvenience to their community members. She pointed out it was flat out stated, a misrepresentation, that this was only for the Grand Canal Project; it can be reviewed on Waves Action, as she posted a clip of that video, and she thinks she sent it to the Commissioners via email as well; low and behold yesterday, a records request, which she routinely does, she sees an email from Satellite Beach to Department of Environmental Protection (DEP), and it says, "The biggest hurdle that we are unable to start our project until the County is done with theirs, as we would be using the same site for the muck, at this point, the most up-to-date information is Fiscal Year 26 before the City can start their muck removal;" in other words, the County flat out lied to them; and further, she called Amanda Peck who is the Administrative Director with that department in Florida DEP, and she confirmed the intent to use the DMMA site in South Patrick Shores, so no wonder she did not get an answer. She commented the problem with the County is it is taxing them; they agreed to tax themselves for the Save the Lagoon people, and the County is lying to them; the same thing is happening for the save the Rockledge trees, which she understands that now is under initiative to evaluate how many trees to cut down; last time it was 67, and they were told it was simply a repaving project; and she did due diligence, she dug into it, and found out they were being lied to, it was about doing a paving project. She stated then there is a Flamingo Road project in South Patrick Shores as well, which is another project where the Board is not listening to the people and it will be actually violating its own Ordinance in cutting down trees between commercial; and the Board needs to rethink how it does things.

Upon motion and vote, the Board adjourned at 11:52 a.m.

Result: Approved

Mover: Tom Goodson

Second: Rob Feltner

Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

ATTEST:

RACHEL SADOFF, CLERK

JASON STEELE, CHAIR
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

As approved by the Board July 9, 2024.